

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

NICOLAS BELL,)	Case No. 20-cv-1393-WMW-KMM
)	
Plaintiff,)	
)	
v.)	Judge Wilhelmina M. Wright
)	
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	

DEFENDANT UNION PACIFIC’S MOTION TO DISMISS

Defendant Union Pacific Railroad Company (“Union Pacific”) respectfully requests that this Court dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Specifically, this case should be dismissed in its entirety under Rule 12(b)(6) for failure to state a claim upon which relief may be granted. In support of this Motion, Union Pacific incorporate herein and rely upon the Memorandum of Law in Support of its Motion to Dismiss, as well as other supporting exhibits, to be filed in accordance with the Local Rules.

WHEREFORE, Defendant Union Pacific Railroad Company respectfully requests that the Court dismiss the Complaint with prejudice.

Dated: June 30, 2020

/s/ Sarah-Joël M. Privert
Sarah-Joël M. Privert, MN #0400327
Attorney for Defendant
Union Pacific Railroad Corporation
101 North Wacker Drive, Room 1920
Chicago, IL 60606
Tel: 312.777.2056
Fax: 877.213.4433
smpriver@up.com

/s/ Dan J. Gendreau
Dan J. Gendreau, MN #0264088
Donna Law Firm, P.C.
7601 France Avenue South, Suite 350
Minneapolis, MN 55435
Tel: (952) 562-2468
Fax: (952) 562-2461
E-Mail: dgendreau@donnalaw.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing instrument was properly forwarded to all counsel of record as listed below by:

- ☐ United States Mail, postage prepaid and sealed;
- ☐ United States Certified Mail, postage prepaid and return receipt requested;
- ☐ Hand Delivery;
- ☐ UPS / Next Day Air;
- ☐ Facsimile Transmission;
- ☒ Local Rule 5.1 Electronic Case Filing (U.S.D.C., MN); and/or
- ☐ Fed. R. Civ. P. 5(b)(2)(e) Electronic Service (pdf)

on June 30, 2020.

Jeremy L. Brantingham
Brantingham Law Office
2200 E. Franklin Avenue, Suite 202
Minneapolis, MN 55404
Phone: (612) 339-9700
jlb@brantinghamlaw.com

s/ Sarah-Joël M. Privert
Sarah-Joël M. Privert